

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION  
CORPORATION,**

Plaintiff-Applicant,

v.

**BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,**

Defendant.

In re:

**BERNARD L. MADOFF,**

Debtor.

**IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,**

v.

**FAIRFIELD INVESTMENT FUND LIMITED,  
STABLE FUND, FAIRFIELD GREENWICH  
LIMITED, FAIRFIELD GREENWICH  
(BERMUDA), LTD., FAIRFIELD GREENWICH  
ADVISORS LLC, FAIRFIELD  
INTERNATIONAL MANAGERS, INC.,  
WALTER NOEL, JEFFREY TUCKER, ANDRÉS  
PIEDRAHITA, MARK MCKEEFRY, DANIEL  
LIPTON, AMIT VIJAYVERGIYA, GORDON  
MCKENZIE, RICHARD LANDSBERGER,**

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01239 (SMB)

**NOTICE OF APPEAL**

PHILIP TOUB, CHARLES MURPHY, ROBERT BLUM, ANDREW SMITH, HAROLD GREISMAN, GREGORY BOWES, CORINA NOEL PIEDRAHITA, LOURDES BARRENECHE, CORNELIS BOELE, SANTIAGO REYES, and JACQUELINE HARARY,

Defendants.

**PLEASE TAKE NOTICE** that Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, hereby appeals to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 158(d)(2), from each and every aspect of the final judgment annexed hereto as Exhibit 1 (the “Final Judgment”) of the Honorable Stuart M. Bernstein of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), entered in the above-captioned adversary proceeding (the “Adversary Proceeding”), *Picard v. Fairfield Investment Fund Limited*, Adv. Pro. No. 09-01239 (SMB) (Bankr. S.D.N.Y. Mar. 10, 2017), ECF No. 228, and in the main adversary proceeding, *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Mar. 10, 2017), ECF No. 15222, including without limitation the following:

1. Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers of the Bankruptcy Court (Bernstein, J.), dated November 22, 2016 (attached as Exhibit A to the Final Judgment), resulting in the dismissal of the Trustee’s claims seeking to recover subsequent transfers that defendants Fairfield Investment Fund Limited, Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda), Ltd., Fairfield Greenwich Advisors LLC, Fairfield International Managers, Inc., Walter Noel, Jeffrey Tucker, Andrés Piedrahita, Mark McKeefry, Daniel Lipton,

Amit Vijayvergiya, Gordon Mckenzie, Richard Landsberger, Philip Toub, Charles Murphy, Robert Blum, Andrew Smith, Harold Greisman, Gregory Bowes, Corina Noel Piedrahita, Lourdes Barreneche, Cornelis Boele, Santiago Reyes, and Jacqueline Harary (collectively, the “Appellees”) received from Fairfield Sentry Limited, Fairfield Sigma Limited, and/or Fairfield Lambda Limited. *Id.*, ECF Nos. 14495 and 14890;

2. Opinion and Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated July 6, 2014 (annexed hereto as Exhibit 2). *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC (In re Madoff Sec.)*, No. 12-mc-115 (JSR) (S.D.N.Y. July 7, 2014), ECF No. 551;

3. The Order of the United States District Court for the Southern District of New York (Rakoff, J.) dated May 11, 2013, where applicable (annexed hereto as Exhibit 3). *Id.*, ECF No. 468; and

4. The Order of the United States District Court for the Southern District of New York (Rakoff, J.), dated June 6, 2012, where applicable (annexed hereto as Exhibit 4). *Id.*, ECF No. 167.

The names of the relevant parties to the Final Judgment appealed, and the contact information of their attorneys, are as follows:

Trustee / Appellant	Counsel for Trustee / Appellant
Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff	BAKER & HOSTETLER LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 David J. Sheehan Email: <a href="mailto:dsheehan@bakerlaw.com">dsheehan@bakerlaw.com</a> Thomas L. Long Email: <a href="mailto:tlong@bakerlaw.com">tlong@bakerlaw.com</a>

Defendants / Appellees	Counsel for Defendants / Appellees
Amit Vijayvergiya Andrew Smith Charles Murphy Corina Noel Piedrahita Daniel Lipton Fairfield Greenwich Advisors LLC Fairfield Greenwich Limited Fairfield International Mangers Inc. Gordon Mckenzie Harold Greisman Mark McKeefry Philip Toub Richard Landsberger Santiago Reyes Fairfield Greenwich (Bermuda) Limited Jacqueline Harary Lourdes Barreneche Cornelis Boele	SIMPSON THACHER & BARLETT LLP 425 Lexington Avenue New York, New York 10017 Telephone: (212) 455-2399 Facsimile: (212) 455-2502 Mark G. Cunha Email: mcunha@stblaw.com Peter E. Kazanoff Email: pkazanoff@stblaw.com Jeffrey Baldwin Email:jbaldwin@stblaw.com
Andrés Piedrahita	DECHERT LLP 1095 Avenue of the Americas New York, New York 10036 Telephone: (212) 698-3500 Facsimile: (212) 698-3599 Andrew J. Levander Email: andrew.levander@dechert.com Neil A. Steiner Email: neil.steiner@dechert.com
Fairfield Investment Fund Limited	WOLLMUTH MAHER & DEUTSCH LLP 500 Fifth Avenue, 12th Floor New York, New York 10110 Telephone: (212) 382-3300 Facsimile: (212) 382-0050 Fred Kessler Email: fkessler@wmd-law.com
Walter Noel	WHITE & CASE LLP 1155 Avenue of the Americas New York, New York 10036 Telephone: (212) 856-9600 Facsimile: (212) 354-8113 Andrew W. Hammond Email: ahammond@whitecase.com Glenn M. Kurtz Email: gkurtz@whitecase.com

Jeffrey Tucker	KASOWITZ, BENSON, TORRES & FRIEDMAN LLP 1301 Avenue of the Americas New York, New York 10019 Telephone: (212) 506-1700 Facsimile: (212) 506-1800 Daniel J. Fetterman Email: dfetterman@kasowitz.com
Robert Blum	MORVILLO, ABRAMOWITZ, GRAND, IASON, & ANELLO P.C. 565 5th Avenue New York, New York 10017 Telephone: (212) 856-9600 Facsimile: (212) 856-9494 Edward M. Spiro Email: espiro@maglaw.com
Gregory Bowes	COVINGTON & BURLING, LLP One City Center 850 Tenth Street, NW Washington, DC 20001 Telephone: (202) 662-4956 Facsimile: (202) 662-6291 Bruce A. Baird Email: bbaird@cov.com

The name of the remaining party to the Adversary Proceeding, not party to this appeal, and the name, address, and telephone number of its attorneys are as follows:

Defendant	Counsel for Defendant
Stable Fund	WOLLMUTH MAHER & DEUTSCH LLP 500 Fifth Avenue, 12th Floor New York, New York 10010 Telephone: (212)382-3300 Facsimile: (212)382-0050 Frederick Kessler Email: fkessler@wmd-law.com

**PLEASE TAKE FURTHER NOTICE** that the Trustee and the Appellees in this Adversary Proceeding have agreed pursuant to 28 U.S.C. § 158(d)(2)(A)(iii) to certify this appeal to the United States Court of Appeals for the Second Circuit. Accordingly, subsequent to

the filing of this Notice of Appeal, the Trustee and the Appellees will also file Official Bankruptcy Form 424 certifying this appeal.

**PLEASE TAKE FURTHER NOTICE** that if the United States Court of Appeals for the Second Circuit does not authorize a direct appeal, the Trustee hereby appeals the Final Judgment, in the alternative, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 158(a)(1).

Dated: March 16, 2017  
New York, New York

By: /s/ Thomas L. Long  
**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Thomas L. Long  
Email: [tlong@bakerlaw.com](mailto:tlong@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
Madoff*